

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

-----X	:	
MERIAL LIMITED and MERIAL S.A.S.,	:	
	:	Case No. 3:11-cv-00157-CDL
Plaintiffs,	:	
	:	
v.	:	
	:	
VELCERA, INC. and FIDOPHARM, INC.,	:	
	:	
Defendants.	:	
-----X	:	

**STIPULATION TO WITHDRAW PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

IT IS HEREBY STIPULATED between the parties, by their undersigned counsel, as follows:

1. The parties to the above captioned proceeding have voluntarily settled their disputes related to the preliminary injunction motion pending in this action.
2. The parties jointly request that Merial's pending motion for preliminary injunction (Dkt. 10) be withdrawn with prejudice and so reflected in the Court's docket.
3. The parties agree that the Court shall retain jurisdiction over any dispute arising from or relating to the agreement entered into by the parties on December 12, 2011 which resolved the preliminary injunction motion.

Dated: December 12, 2011

STIPULATED TO BY:

Of counsel:

DEBEVOISE & PLIMPTON LLP

Bruce P. Keller*

David H. Bernstein*

919 Third Avenue

New York, New York 10022

Tel: (212) 909-6000

Fax: (212) 521-7696

Michael S. French, Esq.

(mfrench@wargofrench.com)

Georgia Bar No. 276680

WARGO & FRENCH LLP

999 Peachtree Street, NE, 26th Floor

Atlanta, GA 30309

Tel: (404) 853-1500

Fax: (404) 853-1501

* *Admitted pro hac vice*

/s/ Thomas F. Gristina

Thomas F. Gristina

PAGE, SCRANTOM, SPROUSE,

TUCKER & FORD, P.C.

William H. Tucker, Esq.

(wlt@psstf.com)

Georgia Bar No. 718050

James C. Clark

(jcc@psstf.com)

Georgia Bar No. 127145

Thomas F. Gristina

(tfg@psstf.com)

Georgia Bar No. 452454

Synovus Centre

1111 Bay Avenue, 3rd Floor

Columbus, GA 31901

Tel.: (706) 324-0251

Fax: (706) 596-9992

Counsel for Defendants

Velcera, Inc. and FidoPharm, Inc.

Judy Jarecki-Black, Ph. D., Esq.

(judy.jarecki@merial.com)

Georgia Bar No. 801698

MERIAL LIMITED

3239 Satellite Blvd.

Duluth, GA 30096-4640

Tel: (678) 638-3805

Fax: (678) 638-3350

J. Patrick Elsevier, Ph. D., Esq.

(jpelsevier@jonesday.com)

Georgia Bar No. 246694

JONES DAY

12265 El Camino Real

Suite 200

San Diego, CA 92130-4096

Tel: (858) 314-1200

Fax: (858) 314-1150

/s/ Edward D. Tolley

Edward D. Tolley

COOK, NOELL, TOLLEY & BATES
LLP

Edward D. Tolley, Esq.

(etolley@mindspring.com)

Georgia Bar No. 714300

William H. Tucker, Esq.

304 East Washington Street

P.O. Box 1927

Athens, GA 30603-1927

Tel: (706) 549-6111

Fax: (706) 548-0956

Frank G. Smith, III, Esq.
(frank.smith@alston.com)
Georgia Bar No. 657550
Jason D. Rosenberg, Esq.
(jason.rosenberg@alston.com)
Georgia Bar No. 510855
Kathryn W. Bina, Esq.
(kitty.bina@alston.com)
Georgia Bar No. 956052
Matthew W. Howell, Esq.
(matthew.howell@alston.com)
Georgia Bar No. 607080
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
Tel: (404) 881-7000
Fax: (404) 881-7777

Counsel for Plaintiffs
Merial Limited and Merial S.A.S..